

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

VALERIE KLOOSTERMAN

Plaintiffs

Civil Action No. 1:22-cv-00944

Hon. Jane M. Beckering

v.

METROPOLITAN HOSPITAL, d/b/a
UNIVERSITY OF MICHIGAN HEALTH-WEST;
RAKESH PAI, an individual; RHAEE-ANN
BOOKER, an individual; MARLA COLE, an
individual; THOMAS PIERCE, an individual; and
CATHERINE SMITH, an individual.

Defendants.

**DEFENDANTS' MOTION FOR PROTECTIVE ORDER TO STAY DISCOVERY
PENDING RESOLUTION OF THEIR MOTIONS TO DISMISS**

Defendants University of Michigan Health West, Rakesh Pai, Rhae-Ann Booker, Marla Cole, Thomas Pierce, and Catherine Smith, by and through their attorneys, HALL, RENDER, KILLIAN, HEATH & LYMAN, PC, respectfully move to stay discovery under Fed. R. Civ. P. 26(c) for the following reasons:

1. In lieu of answers, all Defendants in this case brought Motions to Dismiss (ECF Nos. 34-37) which rest largely on grounds of Eleventh Amendment immunity, qualified immunity and the failure by Plaintiff to state claims on which relief can be granted.
2. As set forth in the accompanying Brief in Support, discovery is properly stayed until dispositive motions raising such threshold legal issues are decided.
3. Plaintiff does not oppose a stay of all discovery but stated that she reserves her right to file a brief response statement indicating that her non-opposition does not waive her right to oppose Defendants' assertions of entitlement to Eleventh Amendment immunity.

WHEREFORE, Defendants University of Michigan Health-West, Pai, Booker, Cole, Pierce, and Smith, respectfully request that this Honorable Court grant their Motion and enter a protective order staying discovery in this case until such time as their Motions to Dismiss are decided.

Respectfully submitted,

HALL RENDER KILLIAN HEATH & LYMAN, PC

/s/ Jonathon A. Rabin

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February 22, 2023